

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.,)	
E. SCOTT PRUITT, in his official)	
capacity as Attorney General of)	
of Oklahoma,)	
Plaintiff,)	
v.)	Case No. CIV-13-726-M
)	
UNITED STATES ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Defendant.)	

**PLAINTIFFS, STATES OF ALABAMA, ARIZONA, GEORGIA,
KANSAS, MICHIGAN, NEBRASKA, NORTH DAKOTA,
SOUTH CAROLINA, TEXAS, UTAH, AND WYOMING'S
UNOPPOSED MOTION FOR ORDER FOR RELIEF FROM REQUIREMENTS
OF LOCAL CIVIL RULES 83.2 AND 83.3 AND BRIEF IN SUPPORT**

COMES NOW, Plaintiff State of Oklahoma, on behalf of the Attorneys General of the States of Alabama, Arizona, Georgia, Kansas, Michigan, Nebraska, North Dakota, South Carolina, Texas, Utah and Wyoming, and respectfully submits this Unopposed Motion for Relief from Local Civil Rules 83.2 and 83.3, pursuant to Local Civil Rule 83.3(c), and in support thereof states as follows:

BACKGROUND

1. On July 16, 2013, Plaintiffs filed a Complaint for Injunctive and Declaratory Relief against Defendant, the United States Environmental Protection Agency ("EPA"), to compel compliance with the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, et seq., as amended. As set forth in the Complaint, under FOIA, the States sought records from EPA concerning the agency's implementation of a specific federal Clean Air Act ("CAA") program, 42 USC § 7401 et seq. In violation of FOIA, EPA has denied the States' request.

2. Pursuant to Fed. R. Civ. P. 4(I), Defendant was served with a copy of the Summons and Complaint on July 22, 2013. Counsel for Defendant, Tamra T. Moore has no objection to this Motion or the requested relief.

3. Local Civil Rule 83.3(a) provides that "any attorney who is not a resident of, and does not maintain an office in, Oklahoma shall show association with an attorney who is personally appearing in the action and who is a resident of Oklahoma and maintains a law office within the State of Oklahoma, and who has been duly and regularly admitted to practice in this Court."

4. Non-resident attorneys who are not admitted to practice before this Court may seek admission pro hac vice pursuant to Local Civil Rule 83.2(g).

5. Local Civil Rule 83.3(c) allows this Court to grant counsel who are not residents of Oklahoma and who are not admitted to practice in this Court relief from Local Civil Rule 83.3(a) upon showing special qualifications or other good cause.

MOTION FOR RELIEF FROM LOCAL RULE 83.3(a)

6. Plaintiffs, States of Alabama, Arizona, Georgia, Kansas, Michigan, Nebraska, North Dakota, South Carolina, Texas, Utah, and Wyoming are all represented by the Attorneys General of each respective State. The Attorneys General of these States are not admitted to practice before this Court.

7. All non-resident Attorneys General are each members in good standing of the highest court of their respective States.

8. The Local Court Rules of the United States District Court for the Western District of Oklahoma are available for review and to be downloaded from the Western District's website. Each non-resident Attorneys General certifies that they are familiar with the Local Court Rules.

9. Plaintiff, the State of Oklahoma, is represented by Scott Pruitt the Oklahoma Attorney General. General Pruitt, his Assistant and Special Assistant Attorneys General are admitted to practice before this Court. The State of Oklahoma is the lead Plaintiff in this case. Attorney General Pruitt and his Assistant and Special Assistant Attorneys General will be the only counsel filing pleadings in this case on behalf of all Plaintiffs.

10. On behalf of the Attorneys General of the States of Alabama, Arizona, Georgia, Kansas, Michigan, Nebraska, North Dakota, South Carolina, Texas, Utah, and Wyoming, Plaintiff the State of Oklahoma, respectfully moves this Court to grant the Attorneys General relief from Local Civil Rules 83.2(g) and 83.3(a) because:

a. The lead Plaintiff, the State of Oklahoma represented by Attorney General Pruitt shall be the only plaintiff filing pleadings, no other Attorney General will file any pleadings in this case; and

b. For each of the non-resident Attorneys General to file motion for admission pro hac vice would be burdensome on the Attorneys General and on the office of the Oklahoma Attorney General who, pursuant to Local Civil Rule 83.3(b), would be the local counsel filing the individual motions for admission pro hac vice on behalf of each non-resident Attorney General.

BRIEF IN SUPPORT OF MOTION FOR RELIEF

11. Local Civil Rules 83.2 through 83.4 set forth the admission requirements that apply to attorneys who represent parties in civil cases in this Court. Attorneys who are "a member in good standing of the bar of the highest court of any state of the United States, is eligible for admission to this Court." LCvR83.2(d). However, admission to this Court requires approval by the Committee

on Admissions and Grievances, and attendance at an admissions ceremony in Oklahoma unless excused by the Court. LCvR83.2(c). Alternatively, non-resident attorneys may obtain temporary admission to practice in a pending case through admission pro hac vice. LCvR83.2(g). Relief from LCvR83.2 and 83.3 may be granted in the Court's discretion pursuant to LCvR83.3(c), where as here, a non-resident attorney shows good cause for relief and "certifies familiarity with the local civil court rules."

12. Good cause exists for relief from the local counsel rule since none of the non-resident Attorneys General will be filing any pleadings in this case. The Oklahoma Attorney General, who is admitted to practice before this Court, will be the lead counsel at all times in this case and representing the other States.

13. To require the ten non-resident Attorneys General to file for admission pro hac vice to this Court would cause significant burden to the individual non-resident Attorneys General and to the Oklahoma Attorney General who would be the local counsel filing the individual motions for admission pro hac vice. Additionally, it would be a burden upon the individual non-resident Attorneys General to seek admission to the Court pursuant to LCvR 83.2(c), since none of the non-resident Attorneys General will be filing any pleadings in this case.

14. As required by the LCvR 83.3(c), each of the undersigned non-resident Attorneys General has reviewed the Local Court Rules and certifies their familiarity with the Rules.

PRAYER FOR RELIEF

WHEREFORE, on behalf of the non-resident Attorneys General for the Plaintiffs, States of Alabama, Arizona, Georgia, Kansas, Michigan, Nebraska, North Dakota, South Carolina, Texas,

Utah, and Wyoming, Plaintiff the State of Oklahoma, respectfully request that this Court grant all non-resident Attorneys General relief from LCvR 83.2 and 83.3 for good cause shown.

Date: August 22, 2013

Respectfully submitted,

s/ E. Scott Pruitt

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of August, 2013, a true and correct copy of the foregoing Unopposed Motion was electronically transmitted to the Clerk of the Court using the ECF Filing System to be served on all counsel of record in this matter who are registered with the CM/ECF System.

s/ P. Clayton Eubanks